

REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the amendments submitted in the response dated 08/10/2006, the following remarks are respectfully submitted in response to the Examiner's Office Communication dated 10/05/2006.

The Examiner acknowledges receipt of the Applicant's election of Group I, claims 1-8 and 48-54 filed on 08/10/2006. Additionally, the Examiner states that the Applicant is not fully responsive to the restriction requirement because Applicant must expressly identify an elected species and identify the claims readable on the elected invention.

The Applicant is confused with the above-identified office communication because the Applicant believes that the previous amendment and response replied to every matter indicated in the Office Action. The previous amendment and response elected claims 1, 2, 8 and 50, and withdrew claims 3-7, 48, 49, and 51-83. Additionally, the amendment and response "elects species A in Group 1", and identifies the claims readable on the elected invention. The Applicant respectfully provides a copy of the paragraph in the previous amendment and response which states this.

"The Applicant provisionally elects species A in Group I. Species A is amended to include limitations substantially different than the Kim (JP 06107555 A) reference indicated by the Examiner. Claim 2 reads upon the elected species A of claim 1, and wherein claim 2 adds an additional element to cover certain aspects of species A. Claim 8 reads upon species A of claim 1, and since the Examiner makes no mention or restriction of claim 8, the Applicant believes claim 8 to read upon the elected species. Claim 50 reads upon species A of claim 1, and wherein claim 50 further limits the elements of species A."

The Examiner states that "Applicant must elect one method of extraction from Claim 3, Claim 4, Claim 5 or Claim 6 as Specie B." The Applicant respectfully believes the Examiner is in error since the previous amendment withdrew claims 3-6. The Applicant would like to point out the Examiner's statement in the previous office action "Applicant is required, in reply to this action, to elect a single species". With this

statement in mind, there is some confusion in the Examiner's present office communication wherein the Examiner states that the "Applicant must elect one" of Species B (claims 3-6) and C (claim 7). It can be appreciated that one would be confused since the previous amendment and response elected Species A and withdrew all the claims toward non-elected species. If the Examiner will allow Species B and C into the application, then a statement of such is respectfully requested.

Additionally, the Applicant would like to point out that commonly owned patent (US 7,078,065), which issued on July 18, 2006, was allowed with similar species that the Examiner has presently restricted. It is therefore believed that withdrawn claims 3-8, 48-54, and 75-80 are linked to a single general inventive concept of claim 1 either directly or through claim dependency. The provisional elected claims 1, 2 and 50 are related and linked to the withdrawn claims 3-8, 48-54 and 75-80 in that all the groups of invention are directed towards the composition in amended claim 1 and claim 3 which depends upon claim 1. Claims 3-8, 48-54 and 75-80 only adds limitations to the common invention in claim 1, therefore no additional search is required by the Examiner since claim 1 is the parent claim. Therefore the restriction is believed to be in error and reconsideration and withdrawal thereof is requested.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at 403-444-5695, or by email at davidguerra@verizon.net

Respectfully Submitted,



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On (Date) 11/08/2006 by David A. Guerra 